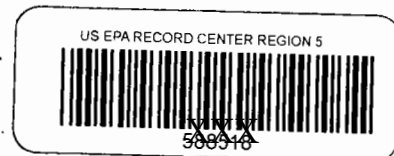




217/782-5544

December 13, 1983

976650



Mr. George Madany
U. S. Environmental Protection Agency
536 South Clark Street
Chicago, Illinois 60605

Re: Mahomet/Prairie Paint and Adhesive
LPC #01904502 - Champaign County

Dear George:

As discussed, I am enclosing various correspondence between this Agency and Mr. Jack Waaler, attorney for the Campbell estate, which should provide adequate background concerning the status of this cleanup project. The November 1, 1983 letter from IEPA represents a phased site cleanup program to be implemented by the estate. The sampling proposal by Charles Bartholomew Engineering, Inc., is provided in the November 28, 1983 correspondence to this Agency. Since we have not agreed to allow Bartholomew the use of any Agency equipment, this proposal may not be feasible.

Secondly, we had discussed a second alternative whereby the estate could hire a hazardous materials contractor who would implement the entire cleanup from initial sampling to final removal and disposal. However, the estate has some reason to believe that the stored materials are reusable. For this reason, we have allowed the estate to consider the phased sampling and removal for reuse or disposal option. Although this option may save the expenditure of estate funds, the implementation of this phased cleanup program may place an additional burden upon the estate since the administrator would need to procure the necessary contracts and permits for transportation, treatment and disposal at an authorized hazardous waste management facility.

This matter has been scheduled for hearing on January 4, 1984, before the Sixth Judicial Circuit Court for Champaign County located in Urbana, Illinois. The hearing is scheduled to begin at 2:30 p.m. However, we think an earlier meeting with you and USEPA's legal counsel is advisable to coordinate our information. We have reserved a conference room in the Champaign offices for this Agency which are located at 2125 South First Street, Champaign, Illinois (217/333-8361). Would 11:00 a.m. be suitable for your schedule?

Mr. George Madany

-2-

December 13, 1983

Please contact me if you have any questions or require additional information.

Very truly yours,

Virginia I. Yang

Virginia I. Yang
Enforcement Programs
217/782-9825

Enclosures

VIY:bkm

cc: DLPC/FOS-Central Region

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

CHAMPAIGN COUNTY, ILLINOIS

IN THE MATTER OF THE ESTATE OF

JAMES E. CAMPBELL, Non-responsive. 6.

No. 80-P-550

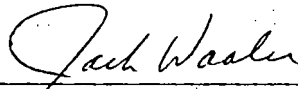
NOTICE OF HEARING

TO: Mr. Robert J. Cochran
Champaign National Bank
201 North Randolph
Champaign, IL 61820

Mr. Charles L. Bartholomew
Charles Bartholomew Engineering, Inc.
Box 3153
Champaign, IL 61820


Ms. Virginia I. Yang
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706

On Wednesday, January 4, 1984, 2:30 p.m., or as soon thereafter as Counsel may be heard, I shall appear in Courtroom "H", Champaign County Court-house, Urbana, Illinois, for Hearing on the attached Supplemental Petition for Aid and Directions, at which time you may appear if you so desire.


JACK WAALER

CERTIFICATE OF SERVICE

I hereby certify that I did on the 34th day of December, 1983, send by United States Mail, postage fully prepaid, a true and correct copy of this Notice together with the attached document to the above addressed individuals.


Jack Waaler

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

CHAMPAIGN COUNTY, ILLINOIS

IN THE MATTER OF THE ESTATE OF)

JAMES E. CAMPBELL, Non-responsive, 6)

No. 80-P-550

SUPPLEMENTAL PETITION FOR AID AND DIRECTIONS

COMES NOW, CHAMPAIGN NATIONAL BANK, Administrator with Will Annexed of the Estate of James E. Campbell, Non-responsive, 6 and for its Supplemental Petition for Aid and Directions, states as follows:

1. That the CHAMPAIGN NATIONAL BANK previously filed a Petition for Aid and Directions in this cause concerning approximately eighty-one (81) barrels of unknown substance that are located on real estate belonging to the Decedent's estate.

2. That after hearing on the prior Petition for Aid and Directions, this Honorable Court entered an order authorizing the Estate to expend funds not to exceed Four Thousand Dollars (\$4,000.00) for the purpose of having certain chemical tests made to determine the content of the barrels, but the Court specifically conditioned its authority to expend such money upon the Administrator's determination "with reasonable certainty" that if the testing is accomplished that such would afford the Estate the opportunity to transfer ownership of the barrels to persons who will receive them and relieve the Estate of further problems and liability associated with possession of the said barrels, and furthermore that the U. S. Environmental Protection Agency and the Illinois Environmental Protection Agency will permit shipment to such person or persons of the said barrels. That pursuant to the abovesaid order,

your Petitioner has had numerous telephone conversations and an extensive conference with the Illinois Environmental Protection Agency.

4. That it is your Petitioner's understanding that the Illinois Environmental Protection Agency will not grant any assurances whatsoever as to what, if anything, can be done with the said barrels after they are tested, but the Illinois Environmental Protection Agency has steadfastly insisted that they be tested.

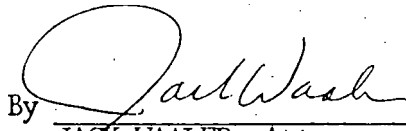
5. That your Petitioner has retained the services of Charles L. Bartholomew, professional engineer, to advise your Petitioner of what tests if any would be reasonable to conduct on the said barrels and to negotiate the matter of testing with the Illinois Environmental Protection Agency. Attached hereto and marked as Exhibit "A" is a report from the said Charles L. Bartholomew.

6. That on Monday, December 5, 1983, one George Manaday of the U. S. Environmental Protection Agency, called your Petitioner's attorney, Jack Waaler, and advised him that if these offending barrels were not taken care of in the near future, the U. S. Environmental Protection Agency would do so and then attempt to recover trouble costs against your Petitioner's Estate.

WHEREFORE, for the reasons set forth in the original Petition for Aid and Directions because of the unusual nature of the problem, your Petitioner prays for aid and directions from this Honorable Court.

CHAMPAIGN NATIONAL BANK, Administrator
with will annexed of the Estate of
James E. Campbell, Non-responsive, 6

By


JACK WAALER, Attorney for the Estate
of James E. Campbell, Non-responsive, 6

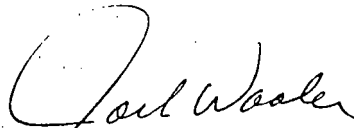
CERTIFICATE OF SERVICE

I hereby certify that I did on the 8 day of December, 1983, send by United States Mail, postage fully prepaid, a true and correct copy of this Supplemental Petition for Aid and Directions to:

Mr. Robert J. Cochran
Champaign National Bank
201 North Randolph
Champaign, IL 61820

Mr. Charles L. Bartholomew
Charles Bartholomew Engineering, Inc.
Box 3153
Champaign, IL 61820

Ms. Virginia I. Yang
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62706



Jack Waaler

Waaler, Evans & Gordon
2503 South Neil Street
Champaign, Illinois 61820
Telephone: (217) 342-7887

CHARLES BARTHOLOMEW ENGINEERING, INC.

AREA 217-586-2012

Soil and Foundation Engineering
Water and Wastewater Analysis
Construction Inspection
Testing Services for Asphalt,
Concrete and Construction Materials

November 28, 1983

Waller, Evans & Gordon
2503 South Neil St.
Champaign, IL 61820

Attn: Mr. Jack Waller

Re: Campbell-O'Dell Property
Mahomet, Illinois

Dear Jack:

After our conversations during October and several additional conversations with IEPA personnel, as well as communication with Randolph & Associates Testing Laboratory, I am offering the following proposal for engineering and testing services for the above-referenced project:

<u>Item</u>	<u>Estimated Quantity</u>	<u>Unit Price</u>	<u>Estimated Amount</u>
Sampling & Visual Identification; Professional Engineer	24 hours	\$35.00/hr.	\$ 840.00
Sampling, Engineering Technician	24 hours	\$20.00/hr.	480.00
Laboratory Testing	18 sets	\$140.00/set	2520.00
Estimated Total			\$3840.00

According to the IEPA letter of October 25, 1983, and subsequent conversation with Mr. Jansen, many of the barrels can be opened only with great difficulty. We are now estimating that opening, sampling and visual identification of each barrel may take 2 men about 3 days to accomplish. This phase of the project would be conducted in the presence of IEPA personnel using their sampling equipment.

The laboratory testing program would include tests to identify the materials present and their potential hazards. Specifically, the tests would include the following:

- Lead content (ASTM D-3335)
- Cadmium content (ASTM D-3335)
- Chromium, total content (ASTM D-3118)
- Flash point (liquids)
- Non-volatile content (solids)
- Ash content



MAIL: BOX 3153, CHAMPAIGN, ILLINOIS 61820

LAB: 307 EAST OAK (Route 150) MAHOMET, ILLINOIS

EXHIBIT "A"

November 28, 1983

Note that by using the ASTM type procedures, the information is universally applicable, either from a product standpoint or a waste handling standpoint. (If the waste is disposed of, additional testing may be required depending upon the disposal method and facility used.)

We concur with the IEPA recommendation that each drum should be inspected, sampled, and visually identified. A set of laboratory tests should be conducted for every 5 drums or less of material of similar waste type.

If you have any questions concerning this information, please contact me at your convenience.

Sincerely yours,

CHARLES BARTHOLOMEW ENGINEERING, INC.


Charles L. Bartholomew, Ph.D. *rb*

CLB:rb

CC: IEPA, Mr. Glenn D. Savage, Jr.

CHARLES BARTHOLOMEW ENGINEERING, INC.

AREA 217-586-2012

Soil and Foundation Engineering
Water and Wastewater Analysis
Construction Inspection
Testing Services for Asphalt,
Concrete and Construction Materials

01904502 - Champaign Co.
Mahomet/Prairie Point & Addheives

RECEIVED

NOV 29 1983

November 28, 1983

Waller, Evans & Gordon
2503 South Neil St.
Champaign, IL 61820

STATE OF ILLINOIS

Attn: Mr. Jack Waller

Re: Campbell-O'Dell Property
Mahomet, Illinois

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- Flash point (liquids)
- Non-volatile content (solids)
- Ash content



MAIL: BOX 3153, CHAMPAIGN, ILLINOIS 61820

LAB: 307 EAST OAK (Route 150) MAHOMET, ILLINOIS

November 28, 1983

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We concur with the IEPA recommendation that each drum should be inspected, sampled, and visually identified. A set of laboratory tests should be conducted for every 5 drums or less of material of similar waste type.

If you have any questions concerning this information, please contact me at your convenience.

Sincerely yours,

CHARLES BARTHOLOMEW ENGINEERING, INC.

Charles L. Bartholomew
Charles L. Bartholomew, Ph.D.

CLB:rb

CC: IEPA, Mr. Glenn D. Savage, Jr.



217/782-5544

November 1, 1983

Mr. Jack Waaler
Waaler, Evans and Gordon
Attorneys at Law
2503 South Neil Street
Champaign, Illinois 61820

Dear Mr. Waaler:

Re: Mahomet/Prairie Paint and Adhesive
LPC #01904502 -- Champaign County
ENF #6880-HAZ

As agreed during our October 19, 1983 meeting, this letter will summarize a tentative plan for the removal of approximately eighty-five barrels of waste paint, waste solvents, and adhesives, and for overall site cleanup.

Sampling and Test Methods: The Agency will consult with C. Bartholomew Engineering, Inc., an environmental engineering firm hired by the Campbell estate, in developing a method(s) for the composite sampling and testing of waste materials currently stored on the site (i.e., opening each container and sampling any group of waste materials having a similar color and/or consistency). A cost estimate for sampling and testing will be developed by C. Bartholomew Engineering, Inc., to obtain authorization of estate funds by the Court. The data obtained from these tests will be used to determine a method for disposal at a hazardous waste management facility and/or reprocessing of a portion of these waste materials at a permitted hazardous waste treatment facility.

Site Cleanup: The Agency will collect soil samples and spilled waste samples for testing to determine the area of contaminated soils at the Mahomet site. The areas of concern are the locations where the waste paint containers were stored for the past forty years and any contaminated soils in the storage shed. Based upon these test results, the estate will remove a specified amount of contaminated soils from the site for disposal at a permitted hazardous waste management facility.

Removal and Site Cleanup: Based upon the above described testing, a plan and schedule for site cleanup and removal will be presented to the Circuit Court of the Sixth Judicial Circuit for Champaign County for approval and authorization of funds. The Agency is agreeable to a limited period of storage time, not to exceed ninety days from the receipt of such test data during which time final arrangements for site cleanup and removal of the stored wastes are completed and authorization of funds is obtained from the Court.



Page 2

Reprocessing for Reuse: The Agency has provided you a list of permitted hazardous waste treatment, storage and reprocessing facilities within the State of Illinois and current information regarding the State Industrial Waste Exchange Program. Since you have reason to believe that these waste materials can be reused, the Agency suggests that you and/or your consulting engineer begin contacting some of these facilities to determine whether or not these materials can be reprocessed for reuse.

State Manifest Requirements: The estate will satisfy all manifest requirements for transport of hazardous wastes. Agency permits must be obtained for any off-site transport of these waste materials to a permitted hazardous waste management facility.

As stated at the October 19, 1983 meeting, the Agency is willing to appear before the Circuit Court in Champaign, Illinois, to discuss this plan, any test data, and options for cleanup and hazardous waste removal with Mr. Robert J. Corcoran, the administrator for the Campbell estate, and the Court. If you have any questions or need additional information, please contact me.

Very truly yours,

Virginia I. Yang

Virginia I. Yang
Enforcement Programs

VIY:sd/8323c/4-5

cc: R. Corcoran
T. Cavanagh, DLPC/FOS
G. Savage, DLPC/FOS, Central Region

CHARLES BARTHOLOMEW ENGINEERING, INC.

AREA 217-586-2012

Soil and Foundation Engineering
Water and Wastewater Analysis
Construction Inspection
Testing Services for Asphalt,
Concrete and Construction Materials

October 5, 1983

Waller, Evans & Gordon
2503 South Neil
Champaign, IL 61820

Attn: Mr. Jack Waller

Re: Environmental Testing
Campbell-O'Dell Property
Mahomet, Illinois

RECEIVED OCT - 6 1983

Gentlemen:

In accordance with your request, we are pleased to offer the following proposal for environmental sampling and testing at the above referenced site.

It is my understanding that about 70 drums of material at the site probably contain a lead-based paint product and it is to be determined if, in fact, that is the case. I suggest sampling about 10% of the drums (7 drums) at random and performing certain identification tests for verification.

The identification tests would consist of:

- 1). Lead content
- 2). Flash point
- 3). Identification of vehicle
- 4). Identification of pigment

The latter 2 tests would likely be performed on only about 3 of the samples. Our firm would select the drums to be sampled (in the presence of IEPA personnel if desired) and the testing would be accomplished by Randolph & Associates in their Peoria laboratory. The Randolph laboratory is fully approved by the IEPA.

The total cost for this testing program may reach \$1500. If there are any questions concerning this proposal, please contact me at your convenience at either 217-586-2012 or 309-676-7611, ext. 220.

Very truly yours,

CHARLES BARTHOLOMEW ENGINEERING, INC.


Charles L. Bartholomew, Ph.D.

CLB:mb



file copy



Illinois Environmental Protection Agency 2200 Churchill Road, Springfield, IL 62706

217/782-9825

Certified Mail

September 14, 1983

Mr. Jack Waaler
Waaler, Evans and Gordan
Attorneys at Law
2503 South Neil Street
Champaign, Illinois 61820

Re: LPC# 01904502-Champaign County
Mahomet/Prairie Paint & Adhesive
Enforcement #6880-HAZ
Pre-Enforcement Conference Letter

Dear Mr. Waaler:

Pursuant to our September 1, 1983 telephone conversation, and your September 6, 1983 correspondence, a list of hazardous materials contractors who are capable of providing clean-up and removal assistance for hazardous materials has been enclosed for your information. This Agency recommends that an estimate be obtained for the costs relating to the testing and sampling of the stored drums on the site in order to determine the required disposal methods. An additional estimate is also necessary for costs of actual removal and disposal of these materials. This action is the standard practice followed by the USEPA and the Agency when responding the emergency spills and other hazardous waste incidents.

Secondly, the Agency is willing to discuss a method for representative sampling of the drums at the site. However, the Agency cannot at this time agree to allow the transport of these materials to the Marion Gate Company in Kentucky. Based upon information obtained from the U.S. Environmental Protection Agency, this company is not authorized to treat, store, or dispose of these types of hazardous waste materials. The Agency's objective is to assure the removal and disposal of these hazardous materials without causing additional environmental hazard elsewhere in this state and in other states.

I must also advise you that this matter has been referred to the legal staff of this Agency for preparation of a formal enforcement case based upon the apparent noncompliance with the requirements of the Environmental Protection Act and 35 Illinois Administrative Code 700 for hazardous waste disposal activities. These apparent violations are set forth in the August 24, 1983 Compliance Inquiry Letter. (See Attachment A)

Prior to taking such action, the Agency is willing to schedule a Pre-Enforcement Conference with you at the Regional Field Office for the



Central Region in Springfield, Illinois. The purpose of this meeting will be to discuss an acceptable proposal for representative sampling, site clean-up, and removal of the drums at the site. You should, therefore, bring any personnel and records that will enable a complete discussion of the clean-up project.

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Act prior to the filing of a formal complaint by the Office of the Illinois Attorney General. This section requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate Agency officials within 30 days of this notice date.

I understand your frustrations in working on this project during the past year. The Agency hopes to resolve this clean-up project as quickly and as amicably as possible. Please contact me at 217/782-5544 if you wish to schedule such a meeting or if you have any questions regarding this matter.

Very truly yours,

Virginia I. Yang

Virginia I. Yang
Enforcement Programs

VIY:tb7925c/73-74

Enclosures

cc: DLPC/FOS - Central Region Manager
DLPC/FOS - T. Cavanagh
ERU - J. Kelty

bcc: B. Seltzer - Enforcement Programs

PS Form 3811, July 1982

● SENDER: Complete Items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery ..	
2. <input type="checkbox"/> RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: <i>Mr. Jack Macleer Gordon</i> <i>Wablers, Evans</i> <i>Attorney at Law</i> <i>2503 South Neil Street</i> <i>Champaign, Illinois 61820</i>	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER <i>158203</i>
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
5. DATE OF DELIVERY <i>9/19/83</i>	POSTMARK (may be on reverse side) <i>SPR 19 1983</i>
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

WAALER, EVANS & GORDON

ATTORNEYS AT LAW
2503 SOUTH NEIL STREET

CHAMPAIGN, ILLINOIS
61820-7798

JACK WAALER
BILL J. EVANS
ROBERT J. WAALER
THOMAS J. GORDON
SARAH B. TINNEY

TELEPHONE
AREA CODE 217
352-7887

September 6, 1983

SEP 7 1983

Ms. Virginia Yang
Environmental Protection Agency
Enforcement Program
2200 Churchill
Springfield, IL 62706

Re: Campbell Estate
Mahomet barrels

Dear Ms. Yang:

I visited the site of the offending barrels on Friday, September 2, 1983. I was with Gene Loy, who was employed with the now defunct Campbell-Odell Paint Company since 1946. It was a small operation and Gene was and is very familiar with the barrels and the contents. He inspected each barrel carefully and marked it with an identifying number in either blue or yellow spray paint. He even opened one of the paint barrels to show me the still good liquid paint. A copy of his handwritten affidavit is enclosed.

I am absolutely confident that the 70 barrels (so identified) contain only oil base paint (with lead content) and the 16 contain what is left of rubber adhesive. Many of the rubber adhesive barrels appear only partly filled because of evaporation of the solvent and now probably contain only the rubber base as a solid.

You know the restriction of court order. We are willing to chemically test and verify that the barrels contain what Mr. Loy says, if you will negotiate with us to accept a reasonable representative sample and give us some assurances that if the chemical analysis verifies this, we can ship them to the Marion Gate Company in Kentucky in accordance with a contract we have with them that the Illinois EPA is blocking.

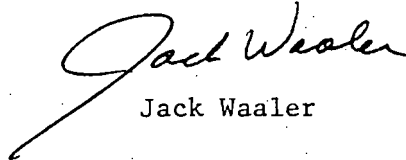
If you feel you cannot agree in advance to sample only a reasonable number of barrels, or if you cannot agree in advance that if they test out to be only paint and rubber adhesive, we can ship them, please state specifically why, and we can then take that before the Court for resolution.

Ms. Virginia Yang
September 6, 1983
Page 2

I have been working to properly dispose of this material for over a year now. I look forward to working with you to find and implement a solution.

Yours truly,

WAALER, EVANS & GORDON

A handwritten signature in cursive script, reading "Jack Waaler". The signature is written in dark ink and is positioned above the printed name "Jack Waaler".

Jack Waaler

JW/ns
Enclosure

cc: Mr. Robert J. Cochran

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

CHAMPAIGN COUNTY, ILLINOIS

IN THE MATTER OF THE ESTATE OF)

JAMES E. CAMPBELL, Non-responsive, 6)

No. 80-P-550

SEP 6 1983

O R D E R

The matter of the Petition for Aid and Directions of the Champaign National Bank, Administrator with Will Annexed of the Estate of James E. Campbell, Non-responsive, 6 coming on for hearing the 28th day of June, 1983; notice to the U.S. Environmental Protection Agency on file and approved; the Court, having heard representations of counsel and having inspected the Petition for Aid and Directions and being duly advised in the premises, FINDS as follows:

1. That the Court has jurisdiction of the subject matter and the parties hereto.

2. That the unusual nature of the problem here presented requires Court guidance be given to the Administrator with Will Annexed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. That the Champaign National Bank, as Administrator with Will Annexed of the Estate of James E. Campbell, Non-responsive, 6 is hereby authorized to expend estate funds not to exceed Four Thousand Dollars (\$4,000.00) for the purpose of having certain chemical tests made to determine the content of some eighty (80) barrels of unknown substance located on estate property in Mahomet, Illinois.

B. The expenditure is authorized only, however, after the Administrator with Will Annexed determines with reasonable certainty that if the testing is

accomplished that this will afford the estate the opportunity to transfer ownership of the said barrels to a person or persons who will receive them and relieve the estate of any further problems associated with the possession of the barrels, and that the U. S. Environmental Protection Agency and the Illinois Environmental Protection Agency will permit shipment to such person or persons of the said barrels.

C. That if the above can be accomplished, then the estate is further authorized to expend reasonable sums necessary to load and transport said barrels to such final destination.

ENTERED this _____ day of _____, 1983.

J. G. TOWNSEND, Judge

The undersigned Gene Loy being first duly
SWORN STATES:

- 1.) He was employed by Campbell-Odell Paint Co since 1946 until 1980. He was the working supervisor. As such he was and is completely familiar with the 86 drums now on the premises.
- 2) That on 2 Sept 83 he personally marked 70 barrels with blue spray paint with numbers "1" through "70". Each of these barrels contain oil base paint only (Some have leaked and are no longer full.) I opened one barrel and it still contains good paint. I believe most of them contain good paint. The origin of the paint is from the U.S Govt (war surplus)
- 2 Also on 2 Sept 83 he personally marked 16 barrels with yellow spray paint - numbered "1" through "16". Each of these barrels were purchased from Goodyear Rubber company. Many of them are only partially filled now indicating the solvent has evaporated and the residue rubber is now solid. Each of the said barrels originally contained only rubber adhesive.

Gene Loy, having read the foregoing and knowing the content thereof, swears this is true

Sworn & subscribed
to this 2nd day of Sept 1983
before me Jack Wacker
Notary public

Jack Wacker

Gene Loy